

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

JARRELL A. MURRAY,

Defendant.

ORDER

10-cv-502-bbc
08-cr-87-bbc

On August 30, 2010, defendant Jarrell A. Murray filed a motion for post conviction relief under 28 U.S.C. § 2255, alleging ineffective assistance on the part of his trial counsel. His initial motion was barebones; he supplemented it with a brief filed on September 5, 2010, but asked for more time to flesh out his claims. In addition, he alleged that his trial counsel had refused to send him copies of materials in his case file, despite his repeated requests for the materials.

On December 8, 2010, defendant's trial counsel wrote the court to confirm that she had sent defendant materials from his file on December 3. On December 20, 2010, defendant wrote the court to say that he had not received the materials and that he been told

by prison officials that the prison log did not show that any mail had come to defendant from his counsel. A hearing was held on the matter on January 11, 2011. In the course of the hearing, a prison official informed the court and the parties that although the mail had arrived at the prison, it had been rejected because it was in a box and defendant had not filed a form advising officials that he was expecting a box in the mail. In addition, the official explained that prison regulations prohibited defendant from possessing compact discs, such as the ones containing discovery sent to him by his counsel.

The parties agreed that counsel would send defendant his materials one more time and that defendant would file any supplemental arguments in support of his motion within 21 days of his receipt of his legal materials from his counsel. It is now March 28, 2011 and no such arguments have been received, although defendant has not advised the court that his counsel did not send him the promised legal materials. There is no good reason to keep this matter open any longer. Defendant may have until April 11, 2011 in which to file and serve any additional materials in support of his motion for post conviction relief. If he fails to meet this deadline, I will consider his motion in light of what he has filed previously.

ORDER

IT IS ORDERED that defendant may have until April 11, 2011, in which to file any additional materials in support of his motion for post conviction relief. If he does not

submit any additional arguments by that date, I will consider his motion as filed and supplemented in September 2010.

Entered this 28th day of March, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge